

Hon. Jessica Lappin, Chair
Subcommittee on Landmarks, Public Siting and Maritime Uses
250 Broadway
New York, NY 10007

October 23, 2007

Dear Chair Lappin,

We are testifying today on behalf of the New York Chapter of the American Institute of Architects and its more than 4,000 architect and public members. We applaud the aim of Int. 542 to improve communication between the Landmarks Preservation Commission (LPC) and the Department of Buildings (DOB). This improvement is sorely needed and long awaited by those of us who deal with both bodies on a professional basis. To this end, the AIA is in full support of the portions of the bill that require the LPC to issue notice to the DOB when a property is under consideration for designation as a landmark, and those that require the DOB to issue notice to the LPC when permit applications for buildings under consideration for designation as a landmark are received. These provisions will help to protect historic buildings from being modified or damaged in error or ignorance, and simplify interactions between building owners and the City.

We have already met with Council Member Mendez to discuss our serious reservations with the portion of the bill that calls for the revoking of permits previously issued by the department of buildings when a property is designated as a landmark. As design professionals, we know that by the time a building permit is issued, a large amount of work and resources have already been put into the project in order to prepare it for the construction phase. Land and materials have been bought, legal fees paid, designs drawn up, and loans taken out. In our estimation, a building permit is a contract, and must always be honored by the City, the authority that grants it, as long as its bearer has complied with his or her responsibilities. Int. 542, as it now stands, would allow hardship, in many cases severe, to be brought on the owner of a recently landmarked building through no fault of his or her own. In fact, as it is written, the City is itself exempted from this provision, which speaks to the provision's undesirability. The AIA cannot support any bill that includes this section.

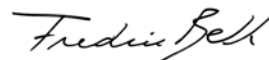
That said, we do recognize that there is a serious problem with the "pulling of permits" for buildings on the cusp of landmarking. This unsavory practice is common in all five boroughs, and has been personally witnessed by some of our members on the blocks where they live. We believe that this bill should and can address this problem without the wholesale permit revocation that is currently allowed by its language, and are in the process of compiling policy recommendations for Council Member Mendez and your Subcommittee.

We look forward to continuing the dialogue about these issues with the Council, and hope that this bill, for which there is a great need, can be modified to do the greatest good for the building industry and the historic buildings (present and future) of New York.

Sincerely,



Joan Blumenfeld, FAIA, IIDA
2007 President, AIA New York Chapter



Fredric Bell, FAIA
Executive Director

